

**IN THE MATTER OF** section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** an application to make minor corrections to Decision 11 pursuant to cl 16, Schedule 3 of the Order

Minor correction: 19 May 2017

Hearing Panel: Hon Sir John Hansen (Chair), Environment Judge John Hassan (Deputy Chair), Ms Sarah Dawson, Dr Philip Mitchell, Ms Jane Huria

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**Minor corrections to Decision 11 — Chapter 15 Commercial (Part)**

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[1] The Hearings Panel (‘the Panel’) issued its decision on Chapter 15 Commercial and Chapter 16 Industrial (Part) (‘Decision 11’) on 18 December 2015.

[2] On 8 May 2017 Christchurch City Council (‘the Council’) made an application for minor corrections affecting the Commercial Chapter provisions, Planning Maps and one Strategic Direction Objective (‘Council’s corrections memorandum’).<sup>1</sup>

[3] The specific corrections requested are:

- (a) An amendment to Chapter 3 Strategic Directions Objective 3.3.10 and consequential changes to Chapter 15 Objective 15.2.2. In effect the Council seeks to move references to the Centre’s based framework from Objective 15.2.2 into Objective 3.3.10 in order to improve the structure of the Objective and Policy framework. The Council argues that the changes correct a defect in the Decision and is of minor effect because no party challenged the Centre’s based framework

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<sup>1</sup> Memorandum of Counsel for Christchurch City Council seeking minor corrections to the Strategic Directions, and Commercial Chapters and Planning Maps of the Christchurch Replacement District Plan, 8 May 2017.

and its importance was clearly intended by the Hearings Panel. They say the proper place for the Objective is in Chapter 3. We return to this below.

- (b) A number of corrections to Chapter 2 and 15 set out in Appendix 1 to the Council's corrections memorandum. These generally amount to inaccuracies in drafting, corrections of numbering, cross references, grammatical and typographical errors. We have accepted these as being minor
- (c) Corrections Planning Map 24 for the zoning at Belfast Business Park affecting the Industrial/Commercial and Transport zone only as set out in Appendix 2 to the Council's corrections memorandum. The corrections align zone boundaries with property boundaries to remove split zoning that occurred due to an intervening subdivision subsequent to notification of the Replacement Christchurch District Plan but prior to the Planning Map being confirmed by decision of the Panel. The Council has consulted with affected landowners who have no objection to the amendment. We accept these changes are minor for the reasons set out by the Council.

### **Jurisdiction to make minor changes**

[4] In relation to the Council's request to amend Objective 3.3.10 and 15.2.2 we withhold from any decision whether or not to make the amendment requested at this time. The interpretations of those objectives are the subject to an Appeal before the High Court and a decision is due to be released shortly.<sup>2</sup> Once a decision is released we will be prepared to consider the issue at that time.

[5] We have previously set out our jurisdiction to make minor corrections, and it is unnecessary to repeat it. We are, however, satisfied that under cl 16 of Schedule 3 to the OIC we have jurisdiction to accept the corrections sought by the Council as set out in Schedule 1 and 2 to this decision, as they clearly meet the requirements of that schedule.

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<sup>2</sup> KI Commercial Limited v Christchurch city Council CIV-2016-409-1004

For the Hearings Panel:



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Hon Sir John Hansen  
Chair



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Environment Judge John Hassan  
Deputy Chair



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Ms Sarah Dawson  
Panel Member



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Dr Philip Mitchell  
Panel Member



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Ms Jane Huria  
Panel Member

## Schedule 1

Appendix 1 - Minor corrections to the CRDP Chapters

APPENDIX 1

MINOR CORRECTIONS TO THE CRDP CHAPTERS

Table of Minor Corrections/Defects

Key:

The base text of the extracts from the Christchurch Replacement District Plan (CRDP) are sourced from Schedule 1 of the Panel's decision – Minor Corrections to Decisions as a result of renumbering/restructuring undertaken by the Christchurch City Council dated 17 March 2017.

The minor corrections sought by the Council through this memorandum to the CRDP are shown using underlined text for additions and ~~strikethrough text~~ for deletions.

Definitions are identified through green underlining in the base text and **highlighted green text** indicates new definitions to be relied upon.

**Yellow highlighted text** indicates terms/phrases that should no longer be identified as a reliant definition.

Hyperlinks are identified through blue text.

PROVISION	CORRECTION		REASON THE CORRECTION IS MINOR
<b>Chapter 15 Commercial</b>			
Policy 15.2.2.1 – Role of Centres, Table 15.1 and definition of 'Large Format Centre' (in Chapter 2:Definitions)	D	<p><u>Large format centre</u></p> <p>Standalone retail centre, comprising stores with large footprints, <u>yard-based suppliers</u>, <u>trade suppliers</u> including building improvement centres, and other vehicle oriented activities.</p> <p>Provision of other <u>commercial activities</u> and residential and community uses is limited. This includes limiting <u>offices</u> to an</p>	<p>Centres: Moorhouse Avenue, Shirley Homebase, Tower Junction, <del>Langdons Road, Harewood Road.</del></p> <p>The policy is unclear as currently worded, because it classifies Harewood Road and Langdons Road Commercial Retail Park (CRP) zones as <i>both</i> 'Large Format Centres' (refer to part D of the policy) and as 'District Centres' (refer to part B of the policy).</p> <p>Whilst it is true that these areas are <i>zoned</i> for large format activities (i.e. CRP), they are not actually <i>Large Format Centres</i>, as defined in Policy 15.2.2.1, because Large Format Centres are <u>standalone centres</u> zoned for large format retailing. Council notes that the definition of 'Large Format Retail Centre' in Chapter 2 is also incorrect in this regard, inconsistent with how the centres are defined in this Policy and</p>

PROVISION	CORRECTION		REASON THE CORRECTION IS MINOR
		<p><u>ancillary</u> function, and at Tower Junction, providing for a limited amount of <u>commercial services</u>.</p> <p>Serves large geographical areas of the city.</p> <p>Not necessarily connected to a residential catchment.</p> <p>Primarily accessed by car with limited public transport services.</p> <p>The extent of the centre is the Commercial Retail Park Zone.</p>	<p>requires amendment to remove reference to Harewood and Langdon Roads.</p> <p>To clarify:</p> <p>In situations where there is a CRP zone adjoining a Commercial Core Zone, Policy 15.2.2.1, Table 15.1 (B) states that the CC and CRP Zones <i>together comprise</i> the District Centres at Hornby, Belfast/Northwood and Papanui/Northlands.</p> <p>Therefore, the Langdon Road and Harewood Road CRP Zones are actually part of the Northlands/Papanui District Centre. This is supported by Part B of the policy where it states that the extent of the 'District Centre' at Papanui/Northlands is the <i>Commercial Core Zone and the Commercial Retail Park Zone</i>. (emphasis added).</p> <p>Therefore as it is currently drafted, Langdons and Harewood Roads are classified as two different types of centres, which results in unclear plan provisions. It is also inconsistent with the approach at Hornby where the CRP Zone is not separately identified as a Large Format Centre.</p>
	<p>And,</p> <p>Chapter 2 Definitions</p> <p>'Large format centre' means those commercial centres at Moorhouse Avenue, Shirley Homebase, Tower Junction, <b>Langdons Road and Harewood Road</b> zoned Commercial Retail Park on the planning maps".</p>		
15.5.1.3 RD4, assessment matter a.	Residential activity - Rule 15.13.2.3 (a)- <del>(e)</del> , <del>(b)(iii)</del> and <del>(iv)</del> , <del>(d)(iv)</del> and (g).		Correct numbering error.
15.5.1.5 NC1	Outside the <u>Central City</u> , any <u>residential activity</u> or <u>guest accommodation</u> that does not meet Rules 15.5.1.1 P11 a. or P19 <del>h</del> <u>(a)(iv)</u> .		Correct numbering error.
15.11.1.1 P16, activity specific standard e.	e. Any <u>outdoor service space</u> or <u>outdoor living space</u> shall not be used for <u>parking area</u> or <u>access</u> .		These terms should be underlined as they have the same meaning as the definitions in chapter 2. Identification of them as defined terms was inadvertently omitted from the minor

PROVISION	CORRECTION	REASON THE CORRECTION IS MINOR
		corrections memorandum for Decision 63.
15.12.1.1 P2 and P3, Activity standard b. ii.	ii. For the purposes of clause <del>e.</del> <b>b(i)</b> of this rule, shall exclude any floor area used for pedestrian arcades that are available for public thoroughfare during <u>building</u> opening hours, and communal:	Correct numbering error.
15.13.2.10 b. and c.	<p>a. ...</p> <p>b. In relation to <del>the amount</del> <b>outdoor service space storage and waste management spaces</b>, whether:</p> <p>i. indoor service areas have been provided to compensate for the reduced or lack of outdoor service areas; and</p> <p>ii. there are effects on amenity within the <u>site</u>, and of <u>adjoining sites</u> including public spaces.</p> <p><del>c.</del> <b>In relation to the configuration of storage and waste management space, whether:</b></p> <p><del>i.</del> <b>the extent to which the reduction in <u>outdoor living space</u> and/or its location will adversely affect the ability of the <u>site</u> to provide for the outdoor living needs of likely future residents of the <u>site</u>.</b></p> <p><del>d.c.</del> In relation to <u>outdoor living space</u>, whether:</p> <p>i. the extent to which the reduction in <u>outdoor living space</u> and/or its location will adversely affect the ability of the <u>site</u> to provide for the outdoor living needs of likely future residents of the <u>site</u>.</p> <p><del>e.d.</del> ....</p>	<p>The provisions as currently drafted are defective because there is a disconnect and minor errors in the rules and assessment matters relating to provision of outdoor service space and waste management areas.</p> <p>The standards relating to residential activity in the Commercial Central City Business (<b>CCCB</b>) and Commercial Central City Mixed Use (<b>CCCMU</b>) zones were carried over from the previous City Plan (as directed by the Christchurch Central Recovery Plan (<b>CCRP</b>)) largely unchanged. The CCRP / City Plan did not have any standards pertaining to 'waste management areas' for residential activity in these zones. The standards only related to the provision of 'outdoor service / storage space'. Similarly, the following rules have standards regarding outdoor service space but not waste management areas:</p> <p>Commercial Central City Business Zone 15.10.1.1 P13 (c) and 15.10.1.3 (RD4) and</p> <p>Commercial Central City Mixed Use Zone 15.11.1.1 P16 and 15.11.1.3 (RD1)</p> <p>However, as notified, the assessment matters in 15.13.2.10 that relate to the above rules, make reference to 'waste management spaces' rather than 'outdoor service areas':</p> <p>A further defect has been identified whereby the assessment</p>

PROVISION	CORRECTION	REASON THE CORRECTION IS MINOR
		<p>matter in 15.13.2.10(c) states that it relates to the "<i>configuration of storage and waste management space</i>", but then the text following it actually relates to 'outdoor living space' and appears to erroneously replicate the matter already set out in (d) below it.</p> <p>Further again, Council has identified that the term 'outdoor service area', should be underlined because in this context it has the same meaning as the defined term in chapter 2.</p> <p>The corrections as recommended would align with the approach for the Commercial Central City Mixed Use (South Frame) Zone set out in Rule 15.13.2.11 (Residential activities in the Commercial Central City (South Frame) Mixed Use Zone).</p> <p>This correction is considered a minor amendment to correct a defect in the Plan, which results in confusing and incorrect plan provisions and that are inconsistent with the way in which they are expressed in the CCRP. The amendments sought would not materially change the merits of the provisions nor the regulatory effect, particularly in light of the fact that the provisions of the CCRP are considered to be relevant matter of discretion pursuant to clause 60 of the Greater Christchurch Regeneration Act 2016. Left unchanged, the inconsistency in provisions between the CCRP and the CRDP would result in an undesirable, confusing outcome and unnecessary plan complexity.</p>

## Schedule 2

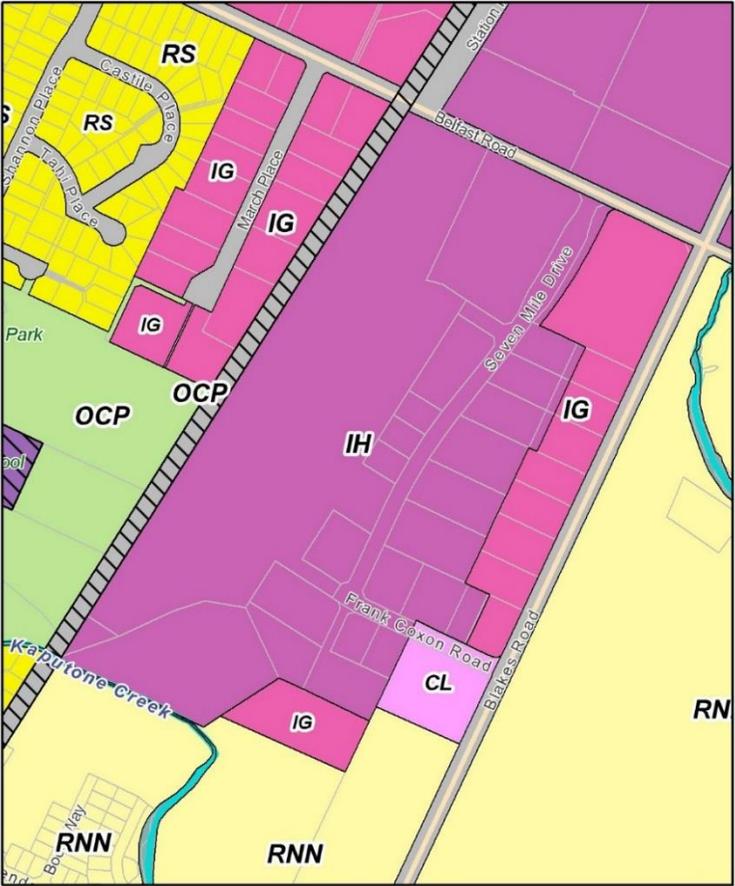
Appendix 2 – Table of Minor Corrections to the CRDP planning maps

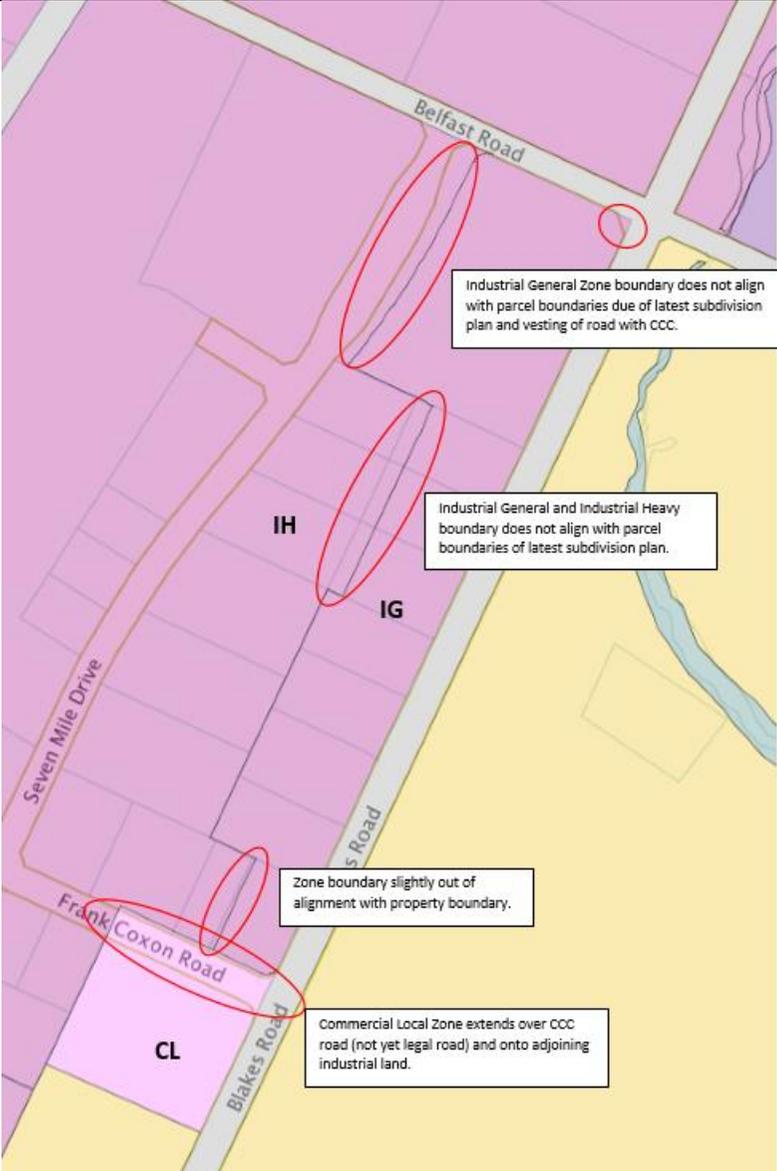
## APPENDIX 2

## TABLE OF MINOR CORRECTIONS TO THE CRDP PLANNING MAPS

PLANNING MAP	CORRECTION	REASON THE CORRECTION IS MINOR
Planning Map 24	Correct zoning of Belfast Business Park as confirmed by Panel through Decisions (Decision 11) as follows:	<p>The zone boundaries do not align with a small number of property boundaries, resulting in multiple zonings over some sites. This was likely due to the timing in which the subdivision survey plan was approved (s223 Certificate), during the district plan hearing process and after the Stage 1 planning maps were notified.</p> <p>The irregular zoning has arisen because despite there being a revised subdivision plan in place at the time that the zoning was shown on the proposed Stage 1 planning maps to be notified, the final layout did not show on Council's GIS system at the time because the s223 certificate confirming the revised subdivision layout had not yet been confirmed. The maps are therefore defective and result in a number of properties now having a split zoning of two or three different zones (refer to diagram below).</p> <p>This may result in unnecessary consenting requirements for existing land owners and unnecessary plan complexity for plan administrators.</p> <p>Council considers that this can be rectified by minor adjustment of the zone boundaries. All affected property owners have been contacted [via email and/or phone calls by Council officers] and have agreed to this adjustment.<sup>9</sup> No other parties are considered to be affected. The amendment would not result in any additional development potential but rather would just simplify the plan provisions relating to the affected properties.</p>

9 Brendon Stewart for Belfast Business Park (Lots 700, 32 and 33), Izaak Simon (Lot 31), Ester Hyde (Lot 38)

PLANNING MAP	CORRECTION	REASON THE CORRECTION IS MINOR
	<p><b>Below:</b> Zoning on Planning Map 24 (as confirmed by Panel decisions) – where a correction is required:</p> 	<p>It is noted that the industrial and transport zoning is operative but the commercial zoning is not due to an outstanding High Court appeal.</p>

PLANNING MAP	CORRECTION	REASON THE CORRECTION IS MINOR
		 <p data-bbox="1771 507 2085 576">Industrial General Zone boundary does not align with parcel boundaries due of latest subdivision plan and vesting of road with CCC.</p> <p data-bbox="1749 727 2029 799">Industrial General and Industrial Heavy boundary does not align with parcel boundaries of latest subdivision plan.</p> <p data-bbox="1599 1102 1845 1158">Zone boundary slightly out of alignment with property boundary.</p> <p data-bbox="1626 1246 1917 1318">Commercial Local Zone extends over CCC road (not yet legal road) and onto adjoining industrial land.</p>

PLANNING MAP	CORRECTION	REASON THE CORRECTION IS MINOR
	<p><b>Below:</b> Planning Map 24 as proposed to be corrected by Council</p> 